

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ABEL MOSLEY, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. H-05-2816
§
JOHN E. POTTER, §
POSTMASTER GENERAL, §
§
Defendant. §

ORDER

Abel Mosley moves for a new trial or reconsideration of this court's grant of summary judgment in favor of his former employer, the Postmaster General. (Docket Entry No. 23). The motion is properly treated as a motion to alter or amend the judgment under Rule 59(e). Mosley has failed to meet the Rule 59(e) requirements for the relief he seeks. *Templet v. Hydrochem, Inc.*, 367 F.3d 473, 479 (5th Cir. 2004). Mosley has not shown a manifest error of law or fact, newly discovered evidence, or an intervening change in the applicable law.

The agreements Mosley raises were raised in his response to the Postmaster General's summary judgment motion and analyzed in this court's memorandum and opinion granting that motion. Briefly, the record evidence showed that Mosley had failed to exhaust administrative remedies on his retaliation claim, which was based on events that occurred before he filed his ERO charge, and that the undisputed facts showed that did not engage in protected activity as necessary to support a retaliation claim.

Mosley's motion to new trial or reconsideration is denied.

SIGNED on June 5, 2007, at Houston, Texas.



Lee H. Rosenthal
United States District Judge